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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/324,123	06/02/1999	YOSHIROU YAMAZAKI	1110-0238P	1088

2292 7590 04/11/2003
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EXAMINER

KIM, PETER B

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 04/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/324,123

Applicant(s)

YAMAZAKI, YOSHIROU

Examiner

Peter B. Kim

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 24.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on March 3, 2003 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-12 and 14-18 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding Claims 1, 5, 8, 11, 12, 17, and 18, calculating and comparing of the density histogram of both prescanned data and fine scanned data are not sufficiently disclosed in the specification to enable one skilled in the art to make and/or use the invention.

The remaining claims, not specifically mentioned, are rejected for incorporating the defects from the base claim by dependency.

Art Unit: 2851

The following art rejection is made based on the examiner's best understanding of these claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5, 6, 8, 9, 12, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatsumi (5,745,262) in view of Okamoto (JP 09-065155).

Tatsumi discloses in Figures 1, 2, and col. 3, line 25 – col. 4, line 25, an image reading method and apparatus for reading an original image by prescan, setting reading conditions and performing fine scan, analyzing both data of a preset area of the original image for both prescanned data and the fine scanned data, calculating a correction condition such that values of the prescanned data and fine scanned data match and processing the fine scanned data. Tatsumi also discloses image characteristic value of an average density, and separate memory for prescan (41) and fine scan (42). Tatsumi discloses using the fine scanned data as well as prescanned data to calculate the correction condition in col. 4, lines 12-24. However, Tatsumi does not disclose using the density histograms of prescanned data and the fine scanned data. Official Notice is taken that it is well known in the art of image reading to utilize density histogram for obtaining density image characteristics as admitted by applicant on page 19 of specification. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide the

means and method of using density histogram to the invention of Tatsumi in order to provide an efficient means of obtaining density image characteristic.

Claims 2-4, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatsumi as applied to claims 1, and 8 above, and further in view of Kubo et al. (Kubo) (5,828,461).

The further difference between modified Tatsumi and the claimed invention is the preset area that varies the included area. Kubo discloses in Fig. 4 and col. 19, lines 35-60, setting the image to read and analyze different areas of the image. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to further modify Tatsumi by providing the means of setting different areas in the image in order to provide more flexibility and efficiency in layout of the image as taught by Kubo at col. 11, lines 10-20.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tatsumi as applied to claim 1 above, and further in view of Sakaguchi (5,995,201).

The further difference between modified Tatsumi and the claimed invention is calculating correction data for dark and shading correction. Sakaguchi discloses an image reading method and apparatus for reading an original image by prescanning and fine scanning which uses the data for dark and shading correction (Fig. 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to further modify Tatsumi with the method and means for correcting dark and shading in order to provide plurality of prints from plurality of images without deterioration of the images.

Art Unit: 2851

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Kim whose telephone number is (703) 305-0105. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams, can be reached on (703) 308-2847. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Peter B. Kim
Patent Examiner
April 4, 2003